

Appl. No. 09/808,228
Response to July 5, 2005 communication
Page 2 of 4

Remarks

The July communication states that the reply filed April 14, 2005 is not fully responsive because "the reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references." Applicants believe that the Examiner is requesting remarks about why new claim 182, reproduced below, should be considered patentable over the applied references.

Based on the following remarks, Applicant respectfully requests reconsideration of the Examiner's rejections and allowance of the pending claims.

New claim 182:

A prosthetic device comprising:

(a) an acetabular shell comprising an internal concave surface adapted to receive a liner and an external surface adapted to be received in an acetabulum; and

(b) an acetabular liner having:

an internal concave surface adapted to receive the head of a femoral component, the concave surface having a periphery with an opening defined by an internal diameter and having a central axis;

an external surface positioned on an opposing side of the liner from the internal concave surface and adapted to be received in the internal concave surface of the acetabular shell; and

a rim located between the internal concave surface and the external surface of the liner, at least a portion of the rim comprising a variable angle chamfer surface comprising a plurality of variable angles, each variable angle defined as the angle at any point on or near the periphery of the liner internal diameter at which the surface of the chamfer is positioned relative to the center axis of the opening of the internal diameter of the liner.

Appl. No. 09/808,228
Response to July 5, 2005 communication
Page 3 of 4

None of the applied references teach or disclose a variable chamfer surface having a plurality of variable angles, as recited by claim 182. The additional description of the angle is provided to help define how the angle is measured for clarification (support for which appears in the specification at page 13). The arguments made in the response filed April 14, 2005 also relate to this claim, summaries of which are discussed below. Those complete arguments are also incorporated here by reference.

Thornberry et al. - Thornberry et al. does not disclose a variable angle chamfer having a plurality of variable angles. First, its "small chamfer" does not provide a variable angle, but instead, features a constant angle on each surface. It should be noted that there appear to be multiple surfaces, but those surfaces do not have variable angles – in other words, a single surface has a single slope or angle throughout. Additionally, the cut outs on the small chamfer are not angles, but are cut outs. They are not angles that vary from one another on the rim surface. Last, the wide chamfer on the accompanying Thornberry figure is not a variable angle chamfer. It does not have a plurality of angles – it is shown as a constant smooth angle, not a variable angle chamfer with sloped surfaces that vary angularly from one another.

Smith & Nephew - Reflection Lateralized Liners – The Smith & Nephew - Reflection Lateralized Liners also do not show a liner with a rim that has a variable angle chamfer. Applicant can only assume that the Examiner is considering the 20° overhang option as a variable angle chamfer. If that is the case, some versions of the S&N reference's liner do provide an overhang, but there is no suggestion or disclosure to provide a variable angle chamfer on that overhang, or anywhere else on the rim of the liner.

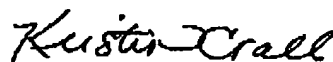
Appl. No. 09/808,228
Response to July 5, 2005 communication
Page 4 of 4

Lennox – The Lennox patent also does not feature a variable angle chamfer. Applicant assumes that the Examiner cited this reference for the forward portion 54 of rim 20. See Lennox Figure 4. (The “forward portion 54 of hood 44 overhangs or protrudes angularly beyond the plane P1 of the cavity opening 26 a predetermined initial angular distance to position socket opening 60 at a predetermined initial angle with plane P1 corresponding to first indicia marking 59.” See Lennox col. 8, lines 28-33.) However, the forward portion is not a variable angle chamfer because it defines only a single, constant angle, not a variable angle.

CONCLUSION

For at least the above reasons, Applicant respectfully requests allowance of the pending claims and issuance of a patent containing these claims in due course. If there remain any additional issues to be addressed, the Examiner is urged to contact the undersigned attorney at 404.815.6147.

Respectfully submitted,



Kristin M. Crall
Reg. No. 46,895

KILPATRICK STOCKTON LLP
1100 Peachtree Street
Suite 2800
Atlanta, Georgia, 30309-4530
404.815.6147